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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,716	04/04/2000	Allan Havemose	AMI990003	5108
32718	7590	11/18/2004	EXAMINER	
GATEWAY, INC.			OPIE, GEORGE L	
ATTN: SCOTT CHARLES RICHARDSON			ART UNIT	PAPER NUMBER
610 GATEWAY DR., Y-04				
N. SIOUX CITY, SD 57049			2126	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/542,716 Examiner	Havemose Art Unit	
	George L. Opie	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) Responsive to communication(s) filed on 1 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-8 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) Claim(s) is/are allowed.
- 6) Claim(s) 7-8 and 13-20 is/are rejected.
- 7) Claim(s) is/are objected to.
- 8) Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:
 1. received.
 2. received in Application No. (Series Code / Serial Number) .
 3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

14) <input type="checkbox"/> Notice of References Cited (PTO-892)	17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <input type="checkbox"/>
15) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <input type="checkbox"/>	19) <input type="checkbox"/> Other: _____

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DETAILED ACTION

This Office Action is responsive to Applicant's Amendment, dated 1 July 2004, in which claims 7 and 16 were amended.

The Office acknowledges Applicant's inclusion of an electronic copy of the amendment on a 3½inch floppy disk, and the Office would like to thank Applicant for submitting the amendment in electronic form to expedite its processing.

1. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*.

2. Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-8 and 13-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dancs et al. (u.S. Patent 6,385,651) in view of Nessett et al. (u.S. Patent 5,727,145).

As to claim 7, Dancs teaches a method for "providing managed access to network computer devices", p4 11-23 comprising

Receiving, by an appliance service (transmission to the ISP, p10 32-51) including an appliance service request from an information appliance (NC requesting connections to ISP, p4 11-23) having an appliance type and appliance identifier (smart card serial number and the NC model number, p10 32-51) the appliance service being a content provider (ISP is the corporate entity that provides content by agreement to the NC user, p4 51-57)

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Testing the request to determine whether the information appliance is registered (smart card serial number can be used by the ISP 109 to authenticate the client's connection request, p14 25-30)

Testing the request to determine whether the information appliance is authorized to receive service from the appliance service (the ISP determines whether the user's credit card is valid, p14 49-57)

Authorizing services for the information appliance from the appliance service (ISP proceeds to step 1032 at which point the NC client 101 receives ISP specific account data, p10 32-51)

Dancs does not explicitly disclose the additional limitations detailed below.

Nessett teaches the use of an authentication interface dynamic base object (client 20 communicates directly with servant object through a dynamic invocation interface, p5 37-47) including an appliance service request having an appliance type and identifier (object reference ... includes ... identifier, p4 3-16). It would have been obvious to combine Nessett's teachings with Dancs because the object authentication would provide Dancs with an object-oriented facility for effectively managing appliance interaction in the distributed computing environment.

As to claim 8, Dancs teaches information containing the services provided to the appliance, p5 39-57.

As to claim 13, Dancs teaches a method for "providing managed access to network computer devices", p4 11-23

"network computer client device ... transmits an enterprise identification number ... uniquely specifying the ISP to which the user wishes to connect", abstract, and

the client "connects to a central relationship server" that makes the authentication determination and, if the client is authorized "the relationship server transmits NC connection information for the ISP ... ", p2 34 – p3 7.

Dancs does not explicitly disclose the additional limitations detailed below.

Nessett teaches a method for managing the interaction between a plurality of information appliances and a plurality of appliance services (distributed object computing system that includes clients and object servers, p3 15-40) said information appliances being removably connected to said appliance services through a network (transports information through ... a network ... used by the client, p8 5-16) the method comprising the steps of:

transmitting an authentication interface dynamic base object to a content provider information appliance (call to ... communicate with a target object in an

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object server process, abstract) from a user information appliance (client calls the ORB daemon process ... using a constructed object reference, p3 15-40) receiving, by an appliance service (location service, p9 45 – p10 2) an authentication interface dynamic base object (client 20 communicates directly with servant object through a dynamic invocation interface, p5 37-47) including an appliance service request having an appliance type and identifier (object reference ... includes ... identifier, p4 3-16).

It would have been obvious to combine Nessett's teachings with Dancs because the authentication would provide Dancs with a central object-oriented security paradigm for effectively managing appliance interaction in the distributed computing environment.

As to claims 14-17, Nessett (p9 45-57) provides the object-oriented paradigm that would support Dancs'es (pp8-15) billing mechanisms, thereby producing dynamic object interfaces for handling the requisite accounting transactions.

As to claim 18, Dancs (p5 39-57) teaches providing client transmits its device info including, *inter alia*, the manufacturer identification number, the model number and the device serial number, , sans the user's identity.

As to claim 19, Dancs (p14 46-55) teaches the ISP server handles account data including "credit card billing" systems.

As to claim 20, Nessett (p5 48 – p6 3) teaches object encryption for protecting the communications.

4. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure. Each reference disclosed below is relevant to one or more of the Applicant's claimed invention.

U.S. Patent No. 6,510,236 to Crane et al. which teaches the central authentication server;

U.S. Patent No. 6,385,729 to DiGiorgio et al. which teaches the object authorization for payment transactions;

U.S. Patent No. 6,219,790 to Lloyd et al. which teaches the centralized server for securing client authentication and accounting information.

5. Response to Applicant's Arguments:

Applicant argues (claims 7 and 13) that the combination of Dancs and Nessett's teachings do not meet the appliance service being a content provider as claimed. The prior art applied in the claim rejections *supra* has been rehashed in order to better illuminate the correspondence between the claim limitations and the teachings of Dancs and Nessett. The cited references clearly provide all the

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elements that make obvious the claimed appliance service and its associated authorization feature. Specifically, Dancs shows an ISP that reads-on the recited appliance service which provides content as claimed. Dancs plainly describes the authorization process performed by an appliance service/ISP. The scope of the claimed "testing" limitations clearly transcend the more narrow scope that Applicant attempts to impute through argument. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art, *In re Self*, 213 USPQ 1,5 (CCPA 1982); *In re Priest*, 199 USPQ 11, 15 (CCPA 1978). The claimed appliances and testing recitations are clearly subject to a broad interpretation, as detailed in the rejections maintained above. The Examiner has a *duty and responsibility* to the public and to Applicant to interpret the claims as *broadly as reasonably possible* during prosecution (see *In re Prater*, 56 CCPA 1381, 415F.2d 1393, 162 USPQ 541 (1969)).

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

The current claim language requires an "appliance service" to receive a request from an "information appliance", the request containing an appliance type and identifier. Clearly, as pointed out in the claim rejections *supra*, Dancs discloses ISP authorization that meets the aforementioned appliance communications for permitting access to certain content on the system. Furthermore, the "testing" limitations, as presently presented in the pending claims, do not specify a particular appliance to perform the recited testing operations. Therefore, the teachings from Dancs and Nessett render obvious the appliance service for managing information appliances as broadly claimed.

Applicant's current claims contain coverage breadth which is inconsistent with breadth of the disclosure and are not found distinguishable above the prior art of record. Applicant should set forth claims in language that clearly, distinctly, unambiguously and uniquely define the invention. See *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (1989) "During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to

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fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”.

Applicant's arguments, filed 5 April 2001, have been fully considered but they are not deemed to be persuasive. For the reasons detailed above, the rejections set forth in the previous Office Action under **35 U.S.C. § 103** are maintained.

The Office acknowledges Applicant's inclusion of an electronic copy of the amendment on a 3½inch floppy disk, and the Office would like to thank Applicant for submitting the amendment in electronic form to expedite its processing.

6. THIS ACTION IS MADE FINAL.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Request for copy of Applicant's response on floppy disk:

Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk.

Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory; however, it will help expedite the processing of your application. Your cooperation is appreciated.

8. Contact Information:

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

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Status information for published applications may be obtained from either Private-PAIR or Public-PAIR.

Status information for unpublished applications is available through Private-PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (571) 272-3766 or via e-mail at George.Opie@uspto.gov. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.


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